**UNOFFICIAL MINUTES OF WALHALLA CITY COUNCIL**

**MEETING TUESDAY SEPTEMBER 3, 2024**

Mayor McDonald called the regular meeting of the Walhalla City Council to order at 7:00 P.M., Tuesday September 3, at city hall.

Council Present: Schill, Dumas, Carpenter, Jackson, Horgan

Council Absent: Kalis

Others Present: Emily Carpenter, Reed Radway, Tatiana Radway, Lynn McDonald, Terry Meidinger, Luke Olmsted, Justin Dearinger, Austin Dearinger, Robert Ripple, Rebecca Davis, Arlen Boyer, Heidi Boyer, Bill Styles Jr, Jeff Amoth, Pauline Amoth, Robert Price, Galen Gasink, Chris Gasink, Dalton Demontigny, Armondo Moreno, Dean Jackson, Jason Dearinger, Ross Blair, Jason Berg, Stephen Gapp, Brian Mathison, Hilary Nowatzki, Mr. Larry Dubois, Auditor Cook

Motion by Carpenter to approve minutes as read with the following amendment regarding the vote to overrule Mayor McDonald’s veto: *Veto was overruled by a 2/3 majority*. Second by Schill. Ayes, all. Motion passed.

Mr. Jeff Amoth addressed the council on issues of conflict of interest. He stated that the list of properties deemed in violation of Ordinance 2024-2 was made unfairly, and that favoritism was shown to certain property owners that have family members on the board of health, as well as property owners that are legally represented by Mr. Dubois. Mr. Amoth stated that Mr. Jackson, a member of the board of health, is also in violation as a property owner. Mr. Amoth also questioned the frequency of meetings held by the board of health, the availability of the minutes on the website during implementation of this ordinance, and the general vagueness of the letter. Mr. Amoth also stated that this ordinance is discriminatory to low-income families that do not have the means to build a garage to house excess vehicles. Mr. Dubois stated the purpose of the letter was to inform the public of the ordinance violations, and that this ordinance was developed by reviewing ordinances already in place in other cities. Mr. Dubois stated that the number of vehicles allowed on a property in the ordinance is pertaining to residential properties only, and that he believes this ordinance is written clearly and within the law. Mr. Dubois explained the policy and course of action taken when a conflict of interest is determined.

Mayor McDonald asked for clarification about the number of vehicles allowed in regards to certain circumstances such as holidays. He was informed that the ordinance is relating to extended periods of time only.

Mr. Arlen Boyer asked for clarification on whether boats and recreational vehicles are considered vehicles in the ordinance. Mr. Dubois responded that he believes anything that is licensed by the ND motor vehicle code would be considered a vehicle. He also clarified that the ordinance does not require vehicles to be on concrete or gravel on a property, and if they are garaged, they do not count towards the 4-vehicle limit allowed. He also reiterated that the letters should be taken as informational, and they weren’t written exactly how he would have liked.

Mr. Amoth asked how complaints are handled where conflict of interest is present. Mr. Dubois stated conflicts of interest on his part must be declared to the city council. The council would then decide if Mr. Dubois should be allowed to move forward with representing the city in such a case.

Mr. Austin Dearinger addressed the council on purchasing property in the Industrial Park. He stated that he was denied in the past and phone calls inquiring about this were not returned. Mr. Dearinger stated that with Mr. Sehrt pursuing the purchase of lots they should be opened for bids. Mr. Dubois stated that this land was originally purchased through a grant from the USDA for a business that fell through. There are concerns of what these lots will be used for, time limits for substantial improvements to be shown, and clarity on what constitutes a substantial improvement. Discussion was held on the draft of the purchase agreement for Mr. Sehrt, and that the agreement is meant as a starting point only. Mr. Dubois stated that if Mr. Dearinger is interested in purchasing lots, he should present the council with a list of lots he is interested in and a plan of use. Mayor McDonald discussed the possibility of turning the lots South of the road leading to the demo derby area into residential lots.

Mr. Ross Blair proposed that the city should charge a permit fee to residents wanting to exceed the 4-vehicle limit and that these funds could be earmarked for expenses such as the swimming pool.

Motion by Carpenter to approve the financial report Second by Dumas. Ayes, all. Motion passed.

**Communications:**  Letter from Shon Horgan detailing inspection of leaking roof at the Legion. This has since been repaired. Letter received about tree trimming at 801 Mountain Ave discussed. It was determined this is the responsibility of the city. Motion by Carpenter to have the city employees trim tree limbs obscuring the sidewalk at 801 Mountain Ave. Second by Schill. Ayes, all. Motion passed. Letters in request for a hearing in response to violation of Ordinance 2024-2 discussed. Mr. Dubois does not view these letters as an official notice, which would mean the process for handling violations has not been started as of yet. The intent of the letter was to inform that said property was viewed, and a following notice with specifics would be the next step in the process. Mr. Carpenter asked what the legal process would be moving forward regarding enforcement of Ordinance 2024-2. Mr. Dubois stated that the board of health committee should review properties to note progress of any clean up. Properties still viewed in violation would then be brought to Mr. Dubois where he would declare if any conflict of interest was present. Mr. Dubois would then send an official violation notice to the property owner. The property owner would have 20 days with a 3-day presumption of mailing time to submit a request for a hearing. The council would then set a hearing date. Mr. Dubois stated ideally the committee and the property owners would coordinate civilly and with clarity on cleanup plans to avoid legal action. Ms. Rebecca Davis questioned if vehicles that were licensed had to be moved in a specific time frame. It was determined that the ordinance states (15) days. Discussion was held on vehicles used seasonally and ability to enforce this timeframe.

**Committee Reports:**

**Municipal Services, Building Permits, Streets, and Alleys:** Discussion on road closures for Pumpkin Fest. All alleys will remain open. Motion by Jackson to approve road closure on Central Ave from 9th St to the alley behind Frank Letexier’s Building on Depot St. Leaving County Rd 9 open, contingent on affected business owners’ approval. Second by Carpenter. Ayes, all. Motion passed. Motion by Carpenter to approve building permits submitted by Jordin Wooley, Tom Eagan, Dan & Hailey Moore, Michael Stremick, and Jeff Sims. Second by Schill. Ayes, all. Motion passed. Motion by Carpenter to amend the approval of Tom Eagan’s building permit to: approved, contingent on rezoning of the property to residential. Second by Schill. Ayes, all. Motion passed. Committee recommendation to the council from the Aug 28th meeting to clarify Mr. Gapp’s base salary to $79,416.00 and to have Mr. Gapp sign an affidavit of understanding that he is not eligible to receive health insurance benefits. Motion by Carpenter to clarify Mr. Gapp’s base salary to $79,416.00 and to have Mr. Gapp sign an affidavit of understanding that he is not eligible to receive health insurance benefits. Second by Schill. Roll call: Carpenter, yes; Horgan, yes; Schill, yes; Jackson, yes; Dumas, yes. Motion passed.

**Police, Fire, and Traffic:** Discussion on renewing the pursuit of hiring a city police officer. No applicants at this time.

**Financial & Economic Development Corp:** Nothing

**Board of Health, City Buildings, and Recreation:** Nothing

Motion by Carpenter to approve all bills presented. Second by Schill. Roll call: Carpenter, yes; Horgan, yes; Schill, yes but abstaining from his bill; Jackson, yes; Dumas, yes. Motion passed.

**Old Business:** Discussion held on purchase agreement for Tanner Sehrt. It was decided certain amendments need to be made such as, restraint on alienation, define substantial progress, and acquire plans from Mr. Sehrt.

Mayor McDonald assigned Carpenter, Jackson, Dumas, and Kalis to an employee committee to edit employee handbook.

Discussion held on Lagoon Project. Overall progress is going well. Due to car bodies and cement at Site 1 the slope has to be adjusted from 2:1 to 3:1. This will result in more riprap rock needed. No additional riprap rock is recommended upstream or downstream of site. At Site 2 water seeping out has been determined to be coming from an underground high voltage line trench. Estimates will be taken for installing drain tile before clay is brought in.

Discussion held on Chip & Seal Project. Work is scheduled to begin this week. The contractor will be in contact with the auditor to keep the public informed as to a work schedule for different areas of town.

Discussion held on Swimming Pool. Blueprints are still about a week out. This will be added to a special meeting following the Sept 16 budget approval hearing.

Email was sent to Tigua Inc. regarding customs garbage quote. No response as of yet.

Cemetery Road Maintenance discussed. Mr. Dubois found a contract between the City of Walhalla and Walhalla Township from 2010. Mr. Carpenter will contact Duane Schurman to get approval for snow removal as well as create an agreement moving forward.

Aircraft custodianship discussed. Letter of approval from the city was given to the airport. The airport is waiting to hear from the USAF on the next step in the application process.

**New Business:** The Walhalla Fire Department is requesting a rezoning of lot 10 block 20 to build an addition to the firehall. Mr. Dubois will check on the process of rezoning this along with other areas in town needing to be rezoned.

Discussion held on the park board submitting their own budget to the county moving forward. Per the county auditor this is typically how this is done as they have their own board and it is a separate levy.

Discussion held on funds for maintenance and operational expenses for new pool. Options were discussed on funding sources for new pool construction. Once excavation begins funding sources need to be in place. This will be discussed further at the Special Meeting on Sept 16.

Motion by Schill to approve Tammy Olson pay raise to $15.00 hr. Second by Dumas. Roll call: Carpenter, yes; Horgan, yes; Schill, yes; Jackson, yes; Dumas, yes. Motion passed.

Request by Joel Mostad to purchase refrigerator from the pool. It was decided it will be given to him free of charge if picked up in a timely manner.

Motion by Carpenter to adjourn. Second by Dumas. Ayes, all. Motion passed. Meeting adjourned 8:47 P.M.

John Rock McDonald\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michael Cook \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor Auditor

September 3, 2024